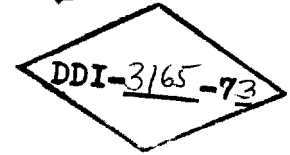


DRAFT:LLM/2 May 73



Honorable John C. Stennis, Chairman  
Committee on Armed Services  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request of April 16, 1973, for *our* *recommendations* on S. 1547, a bill "To establish a Joint Committee on National Security."

S. 1547 establishes a Joint Committee on National Security comprised of 25 members to study: (a) whether foreign, domestic and military policies of the United States are being appropriately integrated; (b) the recommendations and activities of the National Security Council; and (c) Government classification and declassification practices and to recommend new procedures for the classification and declassification of material.

While this Agency is not specifically mentioned in S. 1547, the activities of the National Security Council are within the purview of the bill and include the direction of this Agency. Moreover, in the introductory statement on the bill, it was pointed out that a continuing review of the operations of the Central Intelligence Agency would be one of the functions of the Joint Committee on National Security (119 Cong. Rec., daily ed. 11 April 1973, 7082).

A review of the operations of this Agency by the Joint Committee would appear to overlap the oversight now being performed by several committees in both Houses, including your Committee's Subcommittee on Central Intelligence. <sup>1</sup> We have every reason to believe that the Congress, in effecting any such change in oversight, would be conscious of the need to protect intelligence sources and methods from unauthorized disclosure.

Since S. 1547 deals principally with the activities of the National Security Council, which is chaired by the President and whose statutory membership includes the Secretaries of State and Defense, ~~we~~ <sup>we</sup> defer to the views of the National Security Council for any further comments.

The Office of Management and Budget advises that there is no objection to the submission of this ~~report~~ <sup>letter</sup> from the standpoint of the Administration's programs.

Sincerely,

James R. Schlesinger  
Director

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## CONGRESSIONAL RECORD — SENATE

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(Mr. CHURCH) prohibiting the reengagement of U.S. forces in land, sea or air combat anywhere "in or over or from off the shores" of the entire Indochina area.

Mr. President, we no longer can permit the President's warmaking powers to go unchecked and unchallenged. The legal legerdemain that the administration offers is an open challenge to the Congress to assert our constitutional responsibility.

Accordingly, Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1544

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to avoid further involvement of the United States in armed hostilities in Cambodia, no funds heretofore or hereafter appropriated may be expended to finance the involvement of any member of the armed forces of the United States in armed hostilities in or over Cambodia unless such expenditure has been specifically authorized by legislation enacted after the date of enactment of this Act.*

By Mr. TOWER:

S. 1545. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, in the last Congress, I introduced a measure to correct what I felt to be an unfortunate problem connected with the armed services. That bill, S. 1321, very simply would have extended the time a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances.

As you know, a serviceman is currently allowed 1 year after the date of his retirement in which to select his permanent home site for purposes of PCS travel and transportation allowances. But this unnecessarily short time places a burden on those parents with children in high school. Many times the child must forgo graduation from the school in which he has spent his secondary years so that the final move may be made, as is the serviceman's right at Government expense. There are, of course, other exceptional instances which prevent full utilization of this privilege, for example a serious illness which precludes movement of the patient.

No matter what the reason, however, the 1-year limit is an arbitrarily short one. Extension of the limit to 3 years will solve most problems that could occur and yet will not create additional costs to the Government. I ask my colleagues to join me in effecting rapid consideration and passage of this legislation, which I introduce today.

By Mr. HUMPHREY:

S. 1547. A bill to establish a Joint Committee on National Security. Re-

ferred to the Committee on Armed Services.

## JOINT COMMITTEE ON NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I am introducing a bill today which would establish a permanent Joint Congressional Committee on National Security.

I believe this committee will enable Congress to address itself in a more comprehensive way than ever before to a thorough and ongoing analysis and evaluation of our national security policies and goals.

If the 93d Congress has one important objective, it should be redressing the imbalance between the executive and legislative branches relating to both domestic and foreign policy.

I propose that the committee have these main functions:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the world, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to study and make recommendations on Government practices of classification and declassification of documents.

Third, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

For too many years, the Congress has had inadequate information on matters concerning national security. We in the Congress have had to accept partial information, often in limited context, and as a result have been unable to weigh the total picture.

The consequence of this situation has been a continuing diminution in the foreign policy role of the Congress.

It is often difficult for Congress to obtain adequate disclosure of Government documents. On several important occasions heads of the Defense and State Departments and members of the National Security Council have claimed executive privilege and have refused to answer congressional inquiries on matters concerning our national security.

While the President and key Government officials meet occasionally with the leaders of the Senate and the House of Representatives on an informal basis, there is no forum for a regular and frank exchange between the Congress and the executive branches on the vital issues affecting our national security. I am particularly sensitive to this missing link, having had the special experience of serving as a U.S. Senator for 17 years and as Vice President for 4 years.

The Joint Committee on National Security would provide that link.

It would function in the national security field in a manner comparable to the Joint Economic Committee, which conducts a systematic review and analysis of the President's annual economic report.

Its unique feature would be the com-

position of its membership. It would have representation from those individual and committee jurisdictions that have primary responsibility in military, foreign relations, and congressional leadership.

It would include the President pro tempore of the Senate; the Speaker of the House; the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, and Armed Services, and the Joint Committee on Atomic Energy.

It would not usurp the legislative or investigative functions of any present committees, but supplement and coordinate their efforts in a more comprehensive framework.

I want to emphasize this last point. The proposed Joint Committee on National Security is not being created as a competing force with the Armed Services Committee or the Foreign Relations Committee of which I am proud to once again be a member. It will be a way to coordinate the information which the Congress so desperately needs to carry out its oversight responsibilities of the executive branch in the field of national security.

Nor is it designed to usurp the President's historic role as Commander in Chief, or to put the Congress in an adversary relationship with the executive branch.

It is, rather, a new body, to be composed of members of both parties and both Houses of Congress, that will make possible closer consultation and cooperation between the President and the Congress.

In recent years, we have seen a gradual isolation and insulation of power within the executive branch. The Constitution, I suggest, intended something quite different when it called for a separation of powers.

We have not had the mechanism in our national security apparatus for adequate consultation between the two branches in the formulation of national security policy.

As one observer of the foreign policy process observed:

National security is too important to be left to the national security apparatus.

I concur with this view. The President and his national security advisers have a duty and constitutional obligation to relinquish some part of the initiative which they now command in the conduct of American foreign policy.

There are reasons for the concentration of power which has developed within the executive branch which are quite understandable considering our experience in World War II and afterward. But times change, and so must our institutions and responses.

In an article in Foreign Affairs, July 1959, I expressed my concern over this development. I noted that the Congress "with its power of the purse, and through the right to investigate, to criticize, and to advocate—does exert a significant influence on the quality and direction of U.S. foreign policy."

I found that the Congress must have its own vehicle for educating itself and

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expressing ideas on this question and the more general issue of national security.

I wrote:

Such independent expertise is absolutely necessary if the House and Senate are to fulfill their Constitutional responsibility of surveillance and initiative. Without competent independent sources of fact and wisdom they cannot make discriminating judgments between alternative programs and proposals.

I, therefore, suggested:

The Congress prompt the executive to put its house in order by itself creating a Joint Committee on National Strategy, to include the chairmen and ranking minority members of the major committees of the House and the Senate.

Such a committee's purpose would be to look at our total national strategy—military, political, economic and ideological. This committee would not usurp the functions of any of the present committees, but supplement them by endowing their work with a larger frame of reference. As I said in 1959:

The Chairmen of the Committees represented would come away from the meeting of the new Joint Committee with a greater appreciation, for instance, of the relationship between fiscal policy and national productivity and how both factors relate to our defense posture and our negotiating position. Responsible statesmanship consists precisely in the capacity to see complex relationships in a perspective as broad as the national purpose itself.

Mr. President, I made that proposal in 1959. Had it been adopted, perhaps the history of the past 12 years might have been different. I cannot help but believe that if we had shared more fully in momentous decisions, like those in Vietnam, we would be less divided as a nation by the bitterness and hatreds that confront us today.

But I submit, Mr. President, that now is not the time for regrets. It is a time for careful and responsible decision; it is a time to adapt our institutions to change; above all, it is a time to act.

It is not enough for the Congress to insist upon its prerogatives if it is not prepared to cope with its responsibilities.

The executive branch, recognizing the deep interrelationships between issues of foreign affairs, military policy, and some crucial domestic issues prepared itself to fulfill its responsibilities to the Constitution by forming a National Security Council.

It is fitting, therefore, that the Congress adopt a similar, parallel and counterpart mechanism: a Joint Congressional Committee on National Security, which could draw on the experience and expertise of legislative leaders in various national security areas.

Our existing congressional committees lack coordination. The joint committee would not, under my proposal, usurp any of the functions of these committees of the two Houses, but would address itself to the broad-gaged issues that overlap their jurisdictions and thereby assist the congressional and executive decision-making process.

Issues of defense, arms control, foreign development and security assistance, na-

tional priorities, foreign policies, the development of a global concept for our national interests, and a simultaneous evaluation of our security interests, classification and declassification procedures—all these and many more issues require coordination and a broad focus.

The joint committee I am proposing would concentrate on these and other topics. Let me summarize why I believe such a committee is desirable:

First, it would provide for a total analysis and evaluation of national security jointly by both Houses of Congress.

Second, it would permit closer consultation and cooperation in national security planning with the executive branch than is now possible. This, I believe, would help restore the intended balance of power between the two branches and strengthen the decisionmaking process.

Third, the committee will have the power to review and simplify classification procedures and to declassify documents whose contents should not be withheld from the public. Thus, we can achieve greater understanding, support, and public participation in the establishment of our objectives and policies.

The composition of the joint committee can be summarized as the following:

The Joint Committee—

First. There will be 25 members with fully bipartisan representation. The majority party will have three members more than the minority party.

Second. The experienced authority of the Congress would be fully represented on the joint committee.

Third. Each House also would have the opportunity to be represented by outstanding members who are not chairmen or elected leaders through the provision for membership of two majority and one minority member from each House.

For a more complete description of the functions and composition of this committee, I ask, Mr. President, unanimous consent that the bill to establish a Joint Committee on National Security be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1547

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that—*

(1) it has been vested with responsibility under the Constitution to assist in the formulation of the foreign, domestic, and military policies of the United States;

(2) such policies are directly related to the security of the United States;

(3) the integration of such policies promotes our national security; and

(4) the National Security Council was established by the National Security Act of 1947 as a means of integrating such policies and furthering the national security.

SEC. 2. (a) In order to enable the Congress to more effectively carry out its constitutional responsibility in the formulation of foreign, domestic, and military policies of the United States and in order to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States, there is established a joint committee of the Congress which shall be known as the Joint Committee on National Security, hereafter

referred to as the "joint committee". The joint committee shall be composed of twenty-five Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the chairmen and ranking minority members of the Senate Committee on Appropriations, the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, and the Joint Committee on Atomic Energy.

(4) the chairman and ranking minority members of the House Appropriations Committee, the House Armed Services Committee, and the House Foreign Affairs Committee;

(5) three Members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party;

(6) three Members of the House of Representatives appointed by the Speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 3. (a) The joint committee shall have the following functions:

(1) to make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security;

(2) to make a continuing study of the recommendations and activities of the National Security Council relating to such policies, with particular emphasis upon reviewing the goals, strategies, and alternatives of such foreign policy considered by the Council; and

(3) to make a continuing study of Government practices and recommendations with respect to the classification and declassification of documents, and to recommend certain procedures to be implemented for the classification and declassification of such material.

(b) The joint committee shall make reports from time to time (but not less than once each year) to the Senate and House of Representatives with respect to its studies. The reports shall contain such findings, statements, and recommendations as the joint committee considers appropriate.

SEC. 4. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpoena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and

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other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102-104 of the Revised Statutes (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House, or any subcommittee, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

By Mr. PELL (for himself, Mr. PASTORE, Mr. KENNEDY, and Mr. BROOKE):

S. 1548, A bill to establish a Commission to review the proposed closing of any military installation. Referred to the Committee on Armed Services.

Mr. PELL. Mr. President, I am introducing today legislation to establish a Commission to review and evaluate proposals by the Department of Defense for closing of military installations within the United States.

Joining me in presenting this legislation are my distinguished senior col-

league from Rhode Island (Mr. PASTORE), and my distinguished colleagues from Massachusetts (Mr. KENNEDY and Mr. BROOKE).

I am presenting this legislation because of my deep concern over reports of impending announcements of the closing of military installations in Rhode Island, the procedures that are followed in making decisions on base closings, and the immense impact that closing of military installations can have on the economic life of a region.

The legislation I have proposed would establish a 17-member Commission, including executive branch officials, Members of Congress, and public representatives, to review and evaluate proposals by the Defense Department for the closing of military installations. The legislation would require 180 days advance notice of any proposed base closings to the Commission. The Commission would, within 90 days of receiving notice of a proposed base closing, submit to the Defense Department and the Congress a report including its findings and recommendations.

The Commission's recommendations would be based on a determination of whether the base closings would be in the best interest of national defense, the Nation's economy, and military efficiency.

Mr. President, this legislation is timely and badly needed.

The Defense Department has confirmed that a major package of military base closings will be announced before the end of this month.

Because of reports that these impending base closings would affect installations in the State of Rhode Island, the Rhode Island congressional delegation has met twice with Secretary of Defense Elliot Richardson. The second of these meetings was held just yesterday in conjunction with the congressional delegation from Massachusetts in the office of the majority leader of the House of Representatives THOMAS P. O'NEILL.

At that meeting, it was made clear that the New England area would be hard hit by the forthcoming base closings.

And at both of our meetings with Sec-

retary Richardson, the Members of the Senate and the House presented cogent and, I believe, persuasive arguments for the continued operation of the military installations in our States.

At the meeting yesterday, I presented factual information, based on strategic and cost-saving considerations, that I believe argue very strongly for the continued operation of the Newport Naval Base.

I ask unanimous consent that there be printed at this point in the Record two charts, prepared at my request by the General Accounting Office, which demonstrate very clearly the economic and strategic advantage of maintaining Newport as the home port of the Atlantic Cruiser-Destroyer Force.

I think these are factors that should be considered when vitally important decisions are made about deployment of forces and the closing of military installations.

Mr. President, these decisions are much too important to be left entirely to middle level, faceless bureaucrats, operating in the executive branch without any opportunity for objective public review.

The decisions are much too important to economic operation of the Defense Department, too important to the maximum strategic use of our military forces, and much too important to thousands of workers who have devoted years of their lives to loyal and efficient service at these installations, to permit arbitrary decisions without review.

For example, the civilian workers at the Naval Air Rework Facility at Quonset Point in Rhode Island have through the years proven their efficiency by meeting production quotas and consistently achieved their work objectives with fewer work hours than the targets established by the Defense Department. I ask unanimous consent that there be printed at this point in the Record a table comparing the productivity of these workers with other similar Government facilities, prepared by my staff with the assistance of the GAO.

There being no objection, the table was ordered to be printed in the Record, as follows:

## ATTACHMENT 1

## SUMMARY OF EXCESS COST PER ROUND TRIP OF STEAMING FROM SELECTED HOME PORTS TO SELECTED MISSION AREAS OVER NEWPORT (AT 16 KNOTS)

Type of ship	Per hour	6th Fleet (Gibraltar) mission area			Norwegian Sea (Bergen, Norway) mission area		
		Home port			Home port		
		Norfolk (+26 hours)	Charleston (+50 hours)	Mayport (+76 hours)	Norfolk (+32 hours)	Charleston (+58 hours)	Mayport (+82 hours)
CVS-11 (aircraft carrier, ASW)	\$2,070	\$53,820	\$120,060	\$157,320	\$66,240	\$120,060	\$169,740
CVA-42 (attack aircraft carrier)	3,026	78,676	175,508	229,976	96,832	175,508	248,132
CV-60 (attack aircraft carrier)	3,243	84,318	188,094	246,468	103,776	188,094	265,926
CA (heavy cruisers)	159	4,134	9,222	12,084	5,088	9,222	13,038
CG (guided missile cruiser)	153	3,978	8,874	11,628	4,896	8,874	12,546
DLG (guided missile frigate)	113	2,938	6,554	8,588	3,616	6,554	9,266
DDG (guided missile destroyer)	85	2,210	4,930	6,460	2,720	4,930	6,970
DD (FRAM I) destroyer	61	1,586	3,538	4,636	1,952	3,538	5,002
DE (1052 class) escort ship	53	1,378	3,074	4,028	1,696	3,074	4,346

1 CV-60 typical for Forrestal class,

☐ UNCLASSIFIED☐ INTERNAL  
USE ONLY☐ CONFIDENTIAL☐ SECRET

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: John M. Maury  
Legislative Counsel  
7D43

NO.

OCC 73-0486

STAT

DATE

3 May 1973

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Attached is a proposed recommendation to the Director on a bill by Senator Humphrey for a joint congressional committee on national security. Also attached is an explanation of the bill.

You may be interested that Humphrey's 1959 article in Foreign Affairs, cited in support of the bill, contains statements which somewhat undermine his proposition: "...we in the U. S. might well give more attention to the central virtue of the old diplomacy--the ability to conduct confidential negotiations confidentially."; and "The role of the Senate in dealing directly with international problems is severely and properly limited by the Constitution, which vests in the Executive Branch exclusive power to conduct foreign relations."

In effect, we are deferring to the policymakers on the two more obvious defects of the bill: (1) it would make Congress privy to the most sensitive activities of the NSC and the President's chief policy advisers in direct conflict with the prerogatives of the President; and (2) it defeats the original purpose of the NSC if it forces the President to avoid use of the mechanism in order to maintain the confidentiality of his initiatives and options.

Concurrence requested

STAT

**Page Denied**